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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/547,904	10/25/1995	TAKURO SEKIYA	2271/45006-A	8844

7590

08/05/2003

IVAN S KAVRUKOV
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

NGUYEN, JUDY

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/547,904

Applicant(s)

SEKIYA, TAKURO

Examiner

Judy Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,9 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 1 and 16 are objected to because of the following informalities:

Claim 1: to provide proper antecedent basis, "said ink reservoir" (line 14; second occurrence) should be --said ink reservoir **unit**--, "said recording head **part**" (line 15) should be --said recording head **unit**--, "said first and second **connection means**" (lines 24, 25) should be --said first and second **guide members**--.

Claim 16: "said guide rail" lacks proper antecedent basis. It appears that this claim should depend on claim 14, as opposed to claim 4, because claim 14 provides antecedent basis for the term "said guide rail". Hence, "4" should be amended to --14--.

Appropriate correction is required.

2. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper

dependent form. This claim basically recites the limitation that is added to the claim 1. Hence, it is a double recitation and failing further limit the subject matter of the previous claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 9, 12 are rejected under 35 U.S.C. ' 103(a) as being unpatentable over Kashimura et al. (5,245,361) in view of Cowger et al. (4,931,811).

Kashimura et al. disclose all basic claimed features of the invention of a method for recording and an ink jet recorder comprising a recording head unit 10 (Fig. 17) containing energization part to form ink jet hence suggesting the commonly incorporation of ink passage and nozzles in the head, an ink inlet 312k including filter means 311d, an ink reservoir 312 holding a deformable porous material/sponge 312a infiltrated with ink, a carriage 20 having a base part carrying an interconnection pattern 20a for establishing electrical contact with an interconnection pattern 10a of the head unit and a positioning part 20b (Fig. 5A)

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for determining the position of the head with respect to the carriage, wherein the head carries a first connection means 311a and a first guide part 311b connecting with a second connection means of elastic seal 312m and a second guide part 312b respectively on the reservoir which suggests to one skilled in the art that the reservoir connected to the recording head is removable therefrom.

Kashimura et al. do not disclose the filter to be made of stainless steel, a vent on the reservoir closed by a removable seal member.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a filter of stainless steel material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. Nevertheless, Cowger et al. disclose an ink jet recorder wherein a stainless steel wire mesh filter 26 is utilized in order to prevent air from an ink reservoir being drawn down to a recording head; therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to incorporate the wire mesh filter of Cowger et al. into Kashimura et al. for the purpose of preventing air bubbles and hence dust particles from entering the recording head, as recognized by both teachings.

Cowger et al. also disclose a vent 30 closed by a removable seal member for supplying and replenishing air to the ink reservoir. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to incorporate the vent with the removable seal member of Cowger et al. in Kashimura et al. for the purpose of providing ambient air communication to the ink reservoir.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda (US 4,633,274).

Matsuda discloses the all features of the claimed invention as follows:

- A recording head unit (1)
- A nozzle (33)
- A passage of ink (35) in communication with the ink nozzle (33)
- A first guide member (the elongated edges of 1)

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- An energization part (37)
- An ink inlet formed in communication with said passage for receiving said ink (4)
- An ink reservoir unit (5)
- A second guide member (28)

Note: claim 16 is considered depended on claim 14 as explained above.

Response to Arguments

6. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that there is no teaching in the prior art regarding the first and second guide members. After further review, however, the examiner noted that such feature is already recited in claim 5 and Kashimura as set forth in the rejection above teaches the feature.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy Nguyen whose telephone number is (703) 305-7062. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Fuller can be reached on (703) 308-0079. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script, appearing to read "Judy Nguyen".

Judy Nguyen
Primary Examiner
July 27, 2003